

REMARKS/ARGUMENTS

Claims 18-37 of the present application are pending. Claims 18-37 have been rejected.

A petition is being submitted herewith under 37 C.F.R. 1.78(a)(3) to accept an unintentionally delayed priority claim. A copy of the petition has been attached hereto for the Examiner's convenience. The present application was filed as a divisional application claiming the benefit of co-pending U.S. Utility Application Serial No. 08/863,883, filed May 28, 1997 ("the parent application"). The present application as filed did not specify all of the cases from which the parent application claimed priority. This omission was unintentional. The parent application claimed priority all the way back to U.S. Utility Application Serial No. 07/372,443 filed Jun. 23, 1989 ("the first priority application"). Applicant respectfully requests that, pending acceptance of the petition, the present application be amended, as stated above, to list all of the cases from which the present application is entitled to claim priority, including the first priority application.

Claims 18 and 21 have been rejected under 35 U.S.C. 102(e) as being anticipated by Rowe et al. (US 5,612,050).

Applicant respectfully traverses this rejection. Upon acceptance of the petition to accept an unintentionally delayed priority claim, submitted herewith, the application will claim priority back to U.S. Utility Application Serial No. 07/372,443, filed Jun. 23, 1989. Thus, Rowe et al. will not be available as a prior art reference.

Claims 22, 25, and 27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al.

Applicant respectfully traverses this rejection. As stated above, upon acceptance of the petition filed herewith, the present application will be entitled to a filing date of Jun. 23, 1989. Thus, Rowe et al. will not be available as a prior art reference.

Claims 19, 20, 23, 24, and 28-37 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe in view of Miller et al. (US 4,874,368).

Applicant respectfully traverses this rejection. For the above stated reasons, upon acceptance of the petition, Rowe et al. will not be available as a prior art reference. Miller et al. discloses a multi-component fibrin adhesive, but does not teach or suggest the other claimed elements. In particular, Miller et al. does not teach or suggest the use of suction. Thus, claims 19, 20, 23, 24, and 28-37 are patentable over Miller et al.


Applicant requests that prosecution on this application be suspended pending acceptance of the petition to accept an unintentionally delayed priority claim. At that time, claims 18-37 will all be in condition for allowance and Applicant respectfully requests that a Notice of Allowance be issued then.

If the Examiner feels for any reason that direct contact with Applicant's attorney will advance the prosecution of this case to finality, the Examiner is invited to contact the undersigned at the number given below.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-1329.

Respectfully submitted,

Dated: 8/10/04



Bruce M. Canter
Registration No. 34,792
CUSTOMER NUMBER: 31,278

STRADLING YOCCA CARLSON & RAUTH
660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660
Telephone: (949) 725-4000
Facsimile: (949) 725-4100